Proposal to Eliminate the Felony Disclosure Requirement for Amateur Radio Licenses

Subject: Elimination of Felony Disclosure Requirement for Amateur Radio Licensing to Streamline Applications and Uphold Equity

Docket Entry Number: 25-133

Introduction:

Amateur (ham) radio serves as a platform for community engagement, skill development, and emergency communication support. his comment concerns the Amateur Service. Amateur Radio is unique in that it promotes self education, experimentation, and participation in technology by individuals on a non-commercial basis. However, the Federal Communications Commission (FCC)'s requirement for applicants to disclose felony convictions when applying for or renewing amateur radio licenses introduces unnecessary barriers, raises legal and constitutional concerns, and undermines the inclusive purpose of amateur radio.

Key Issues:

1. **Arbitrary and Capricious Decision-Making**:

    - The FCC's case-by-case evaluation of felony disclosures results in inconsistent and prolonged decisions. Many applicants are left waiting for weeks or months, impacting their ability to participate in amateur radio activities.

    - Most felony convictions are unrelated to amateur radio operations, rendering the disclosure requirement irrelevant to licensing decisions.

2. **Merit-Based Licensing Process**:

    - Obtaining an amateur radio license requires applicants to pass an exam that demonstrates their knowledge of radio operations, rules, and regulations. Licensing is based on demonstrated qualifications, and the felony disclosure requirement undermines this merit-based system.

    - Study materials and the application process do not indicate that felony convictions would disqualify an individual, creating unnecessary and unjustified barriers.

3. **Violation of Fundamental and Human Rights**:

    - Denying licenses based on felony convictions infringes upon individuals' First Amendment rights to free speech and association, as amateur radio facilitates communication and community-building.

    - Publishing felony-related licensing decisions exposes applicants to public scrutiny, harassment, and threats, violating their right to privacy and safety.

- The disclosure requirement may conflict with Equal Employment Opportunity Commission (EEOC) and state human rights laws, such as the New York State Human Rights Law, which protect individuals from discrimination based on past convictions in employment and licensing.

4. **Ham Radio as a Costly and Significant Investment**:

   - Amateur radio involves a significant financial and personal commitment, with operators often spending thousands of dollars on equipment or dedicating countless hours to building and experimenting with radios.

   - The felony disclosure requirement unjustly excludes individuals who have invested in the hobby, infringing on their ability to participate and exercise their First Amendment rights.

5. **Built-In Accountability Measures**:

   - Amateur radio licenses require operators to strictly adhere to identification rules, including using unique call signs during transmissions. This ensures accountability, as all transmissions are traceable back to the operator.

   - If an individual were to commit a crime related to their felony conviction, the amateur radio licensing system already has mechanisms in place to identify and address any misconduct.

6. **Lack of Evidence for Public Safety Concerns**:

   - The FCC cites protecting minors as a justification for denying licenses, particularly to applicants with past sexual offenses. However, this concern is unfounded given that amateur radio interactions are monitored, occur over vast distances, and involve open airwaves accessible to the public.

   - There is no documented evidence of felony offenses committed using amateur radio, highlighting the lack of empirical support for the requirement.

7. **Limitations of Unlicensed Alternatives (CB and FRS Radio)**:

   - The FCC may argue that individuals denied amateur radio licenses can use CB or FRS bands. However, these alternatives are unlicensed and lack oversight, posing greater risks for misuse or abuse than the regulated amateur radio community.

   - CB and FRS bands are also limited in range and functionality, excluding operators from unique opportunities available in amateur radio, such as building custom equipment, participating in contests, or engaging with the International Space Station.

8. **Impact on Community and Emergency Services**:

   - Amateur radio operators play a critical role in emergency response efforts, providing communication support during natural disasters and crises. Excluding capable

individuals from licensing diminishes the pool of volunteers available for these essential services.

9. **Inefficiency and Resource Drain**:
    - The felony disclosure requirement complicates the licensing process, delaying approvals and increasing administrative costs. Eliminating this requirement would restore the efficient 24-hour approval system and reduce government expenditures.

Proposed Action:

- **Removal of Felony Disclosure Requirement**: Eliminate the question regarding felony convictions from the amateur radio licensing and renewal process to streamline applications and promote inclusivity.
- **Focus on Operator Conduct**: Maintain accountability through enforcement of amateur radio regulations, rather than penalizing individuals based on unrelated past convictions.
- **Alignment with Rights Protections**: Update FCC policies to comply with EEOC and state human rights laws, ensuring fair treatment of applicants with prior convictions.
- **Privacy Protection**: End the public disclosure of licensing decisions and related personal information to safeguard applicants' privacy and safety.

Conclusion:

Removing the felony disclosure requirement for amateur radio licenses aligns FCC practices with constitutional protections, reduces delays and costs, and enhances the inclusivity and effectiveness of the amateur radio community. By addressing inequities and supporting those with a passion for the hobby, this change fosters greater community engagement and strengthens amateur radio's critical role in public service and emergency response